

### REMARKS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4-6, 9-11, 14-16, and 19-23 are pending in the present Application. Claims 1, 6, 11 and 16 are amended; and Claims 22-23 are added by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.<sup>1</sup> No new matter is added.

In the Office Action, Claims 1, 5, 6, 10, 11, 15, 16, 20 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Prust (U.S. Patent No. 6,714,968) in view of Burson et al. (U.S. Pat. 6,405,245, herein Burson), Downs et al. (U.S. Pat. 6,574,609, herein Downs), and Applicants' Background section (herein, Applicants' Background); and Claims 4, 9, 14 and 19 were rejected under 35 U.S.C. 103(a) as unpatentable over Prust, Burson, Downs, Applicants' Background and Hayes, Jr. et al. (U.S. Pat. 6,339,826, herein Hayes).

The outstanding Office Action rejected Claims 1, 5, 6, 10, 11, 15, 16, and 20 under 35 U.S.C. § 103 as unpatentable over Prust in view of Burson, Downs and Applicant's Background. In response to this rejection, Applicants respectfully submit that amended independent Claims 1, 6, 11 and 16 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 1 recites, *inter alia*, an information processing device, including:

... connection means for allowing each of said automatic upload programs to perform connection processing automatically to said access point in the said server via actuation of a corresponding upload icon; and

transfer means for writing the content file to be distributed to the exclusive storage area automatically when connection processing is performed and for transferring the associated control file controlling distribution of the transferred content file from the server, the control file including the condition

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<sup>1</sup> E.g., specification at least at Figs. 13-23.

data set up through the interface and user information data related to the user registration,

wherein a genre of the content file, a codec used to encode and/or decode the content file, ***a schedule specifying when the content file is broadcast from the server over the network***, a commercial setting associated with the content file and a content identification corresponding to the content file are included in the associated control file and are edited via the interface and transmitted to the server.

Independent Claims 6, 11 and 16, while directed to alternative embodiments, are amended to recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of amended independent Claims 1, 6, 11 and 16.

Turning to the applied references, Prust describes a computing environment 200, in which client computers 205 access a storage network 220. The storage network includes individual storage areas 225, which can be assigned to different users.<sup>2</sup> Upon registration, the storage network allocates a specific storage area to a user. Access methods include utilizing a user interface of a local operating system of the client computer. In another embodiment, the user-designated storage area may be accessed by a web browser.<sup>3</sup>

Burson describes a method for automated access of personal information. API engine 240 is provided for implementing a “spring board technology” such that an access point of the web document can be quickly linked to a user. In this way, tedious web navigation can be avoided.<sup>4</sup>

Downs describes a method of managing content data and associated metadata, in which the content data is transferred to a content host, and the metadata and usage condition for the associated content are transferred to an electronic store.<sup>5</sup> The metadata and/or usage condition data are altered in order to form promotional data, and the promotional data is transferred from the electronic store to a customer’s system.

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<sup>2</sup> Prust at col. 4, ll. 52-63.

<sup>3</sup> Id. at col. 5, ll. 28-31.

<sup>4</sup> Burson at col. 14, l. 44-col. 15, l. 18.

<sup>5</sup> Downs, Abstract.

Conversely, in an exemplary embodiment of the Applicants' claimed advancement, an information processing device is provided and includes utilization of automatic upload programs to perform connection processing automatically to an access point in a server via actuation of a corresponding upload icon and to provide an interface for editing condition data to manage distribution of an associated content file. A content file and the associated control file are transferred automatically upon connection processing. The control file includes condition data set up through the interface and user information data related to the user registration.

An exemplary purpose of uploading files to the server with condition data is to specify how the content file is distributed from the server to a plurality of clients. Thus, in order to control when the content file is *broadcast from the server*, the control file includes condition data which includes "... *a schedule specifying when the content file is broadcast from the server over the network ...*"

In rejecting the claimed features directed to the more detailed information included in the "associated control file," the Office Action concedes that none of Prust, Burson nor Applicant's Background disclose these claimed features. In an attempt to remedy this deficiency, the Office Action relies on Downs and asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at Applicants' claims. Applicants respectfully submits that Downs fails to teach or suggest the more detailed features directed to the schedule information included the control file, as recited in amended independent Claims 1, 6, 11 and 16.

More particularly, in rejecting the claimed feature of the control file including "a schedule associated with the distribution of the content file," the Office Action relies on col. 57, ll. 63-67 and col. 58, ll. 29-30 of Downs. This cited portion of Downs describes a set of

usage conditions (e.g., end user rights and restrictions) that are attached to content. More specifically, this cited portion of Downs describes that these usage conditions may include a period of time during which a purchase/rental transaction of the content is allowed to occur. Thus, this time period is associated with the content data itself, and limits access to the content on the part of a consumer purchasing the content.

Independent Claims 1, 6, 11 and 16, in contrast, recite that the control file includes “***a schedule specifying when the content file is broadcast from the server over the network.***” Thus, the schedule specifies when the content data is broadcast from the server, and is not usage restriction information associated with the content, as is the case in Downs. More particularly, the time period information in Downs is specific to the data itself and does not relate to how the data is distributed from a server. Further, Downs fails to teach or suggest that content is ***broadcast from*** the content host, whatsoever, much less transmitting a control file to the content host specifying when such a broadcast may occur, as recited in independent Claims 1, 6, 11 and 16.

Therefore, Prust, Burson, Downs and Applicant’s Background, neither alone, nor in combination, teach or suggest transferring a control file controlling distribution of content transferred from an information processing device to a server, the control file including “***a schedule specifying when the content file is broadcast from the server over the network,***” as recited in amended independent Claims 1, 6, 11 and 16.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 6, 11 and 16 (and Claims 5, 10, 15 and 20, which depend therefrom) under 35 U.S.C. § 103 be withdrawn.

The Official Action rejected Claims 4, 9, 14, and 19 under 35 U.S.C. § 103 as unpatentable over Prust, Burson, Downs, and Applicant’s Background, in further view of

Hayes. As discussed above, none of Prust, Burson, Downs or Applicants' Background, either alone or in combination, suggests all of the elements of amended independent Claims 1, 6, 11 and 16, and Hayes does not remedy the deficiency discussed above. Therefore, Hayes does not anticipate, or render obvious, the subject matter defined by the present claims when considered alone or in combination with Prust, Burson, Downs and/or Applicants' Background.

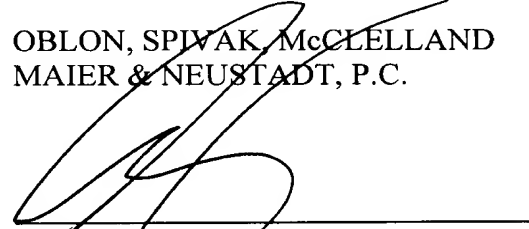
Accordingly, Applicants respectfully request that the rejection of Claims 4, 9, 14, and 19 under 35 U.S.C. § 103 be withdrawn.

New Claims 22 and 23 are added, which further define the feature of distributing the content transferred to the server, from the server. As noted above, none of the applied references teach or suggest scheduling the distribution of content received from an information processing device to over a network via a server. Accordingly, Applicants submit that new dependent Claims 22 and 23 recite novel features clearly not taught or rendered obvious by the applied references.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1, 4-6, 9-11, 14-16, and 19-23, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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